

PHILLIP JACKSON LYONS,)	3:98-cv-00455-ECR-RAM
)	
Petitioner,)	
)	
vs.)	<u>Order</u>
)	
JACKIE CRAWFORD, <i>et al.</i> ,)	
)	
Respondents.)	
)	
)	

On June 13, 2011, Petitioner filed a "Motion for Relief from Order (Doc. #68) and Judgment (Doc. #69)" (#78). Petitioner requests that we reconsider our previous Order (#68) under Federal Rule of Civil Procedure 60(b). Rule 60(b) provides that a court may relieve a party from a final judgment, order, or proceeding for, *inter alia*, mistake, inadvertence, surprise, or excusable neglect. Rule 60(c) provides that a motion under Rule 60(b) "must be made within a reasonable time" and when based on mistake or inadvertence, "no more than a year after the entry of the judgment or order or the date of the proceeding."

Petitioner argues that our Order (#68), entered on August 30, 2004, must be reconsidered because the Court, in considering whether the trial court erred in denying a motion for continuance, examined a motion for continuance made on January 31, 1991, rather than a motion for continuance made on February 5, 1991, which Petitioner

1 contends was the actual motion at issue in his appeal. Petitioner
2 also requests that the Court hold an evidentiary hearing if the
3 Court grants this Motion (#78).

4 Petitioner's Motion (#78) is untimely. Our Order (#68) was
5 entered more than six years before the date of his Motion (#78) for
6 Reconsideration. Rule 60(c) clearly provides that motions seeking
7 reconsideration on the basis of mistake must be made within a year
8 after entry of the order.

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10 **IT IS, THEREFORE, HEREBY ORDERED** that Petitioner's Motion (#78)
11 is **DENIED**.

12 **IT IS FURTHER ORDERED** that Petitioner's Motion for Status Check
13 (#79), requesting a ruling on his Motion (#78) is **DENIED** as moot.

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16 DATED: March 19, 2012.

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18 UNITED STATES DISTRICT JUDGE